HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 21685 of 2006

DATED: 23-10-2006

Between:

Gogada Ratnamma and others

…Petitioners

and

The District Collector,
Nellore and others.

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 21685 of 2006

ORAL ORDER:

The grievance of the petitioners is as regards the unlawful intervention of the 3rd respondent with the petitioners' possession and enjoyment in respect of the lands described in paragraphs 3 and 4 of the writ petition. It is alleged that the 3rd respondent, without initiating any proceedings under any law is physically attempting to dispossess the petitioners from the agricultural lands that they are in possession of.

In respect of such a grievance, the petitioners have a plenitude and plurality of remedies available. The petitioners could resist such illegal action of any individual including a person holding public office but acting without the authority of law, by way of private defence by using countervailing and necessary level of force to resist the unlawful conduct. The petitioners are also at liberty to complain to the nearest jurisdictional police as to the unlawful activities of the 3rd respondent. In such an event, if the petitioners' complaint discloses commission of a cognizable offence by the 3rd respondent, then notwithstanding that the 3rd respondent is an employee of the State, the police are bound to register the complaint and put in motion the investigation process. The petitioners have yet another remedy. The petitioners may seek injunctive relief before the civil court of competent jurisdiction, which is located at proximity to his natural habitat.

In the context of the availability of a plurality of alternative and efficacious remedies mentioned above, this Court is not inclined to adjudicate upon the complaint in this writ petition.

The writ petition is dismissed with liberty to the petitioners to pursue their alternative remedies. No costs.

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GODA RAGHURAM, J

23-10-2006
Note:
Issue copy by tomorrow.
/B.O/
GRR